

3-9



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/199,740

11/25/1998

IKUO WATANABE

1232-4480

4036

7590

06/01/2004

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

19

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/199,740

Applicant(s)

WATANABE ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

After carefully studied the present application with its specifications, drawings and objection, the Examiner concludes that the amended limitation of "...such that the advertisement is inserted into the image output from the first output device" in claims 1, 13, 28, and 43 are incorrect and/or misleading statements. Now, it's even way off the objection of the present application as the applicants' representative further states that "the insertion of advertisement from the second output device into the image output from the first output device is performed **vis-a-vis** a switching operation between the first and second output devices" (paper 17, dated 3/10/04). "Vis-a`-vis" (a French word) meaning "face-to-face" interaction between the two devices, and obviously, the insertion of advertisements cannot be performed face-to-face by themselves, and importantly, there is no description in the step of insertion of advertisements into the output of the first device from the second device at all. (see more at the Response to Arguments below).

Appropriate correction is required for all related claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 51-53 are rejected under 35 U.S.C. 102(e) as being anticipated by Hawkins et al. (US Patent No. 6,005,561).

Regarding claim 51, this limitation is met as Hawkins discloses an image receiving apparatus (Fig. 2 for individual subscriber for receiving media services) from an image providing apparatus, i.e., a connected camera (as illustrated in Figs. 1-2 for providing images, and col. 2/lines 35-57), and an advertisement that is different from the image picked by the camera, and both the image and the advertisement are provided to the image receiving device at the user's interface for displaying (as shown in Fig. 4), the user includes a "smart" end-user terminal which uses a smart service navigator regarding as a display control device in controlling the displaying of appropriate delivering sources (see col. 8/line 8 to col. 9/line 60; and col. 10/line 60 to col. 11/line 19). Furthermore, the advertisement can be inserted into the delivering stream to the user after the stream is delivered from the sources such as live cameras, tapes, or satellite (col. 16/lines 25-52). It clearly indicates that the content of the advertisement is different from the image or stream broadcasted from the sources.

As for claims 52-53, these two claims for a display method and a computer program product with same limitations as disclosed in claim 51 are rejected for the same reasons given in the scope of claim 51 as discussed above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Acosta et al. (U.S. Patent No. 6,166,729) in view of Hawkins et al. (U.S. Patent No. 6,005,561).

Regarding claim 1, Acosta et al (or "Acosta" hereinafter) discloses an image down-loading apparatus capable of down-loading an image to a plurality of clients via a network (Abstract, col. 1/line 60 to col. 2/line 42) comprising:

a switch adapted to switch between a first output means for outputting an image, i.e, a first output from one of plurality of cameras for displaying an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27) and a second output device, i.e, a second output from one of plurality of cameras for displaying an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27 for outputs of multiple ones of the cameras 12 in operation at anytime to multiple users); and

a switch controller adapted to control said switch, wherein said switch controller controls said switch so as to select said second output device for a first predetermined period after said first output device is selected for a second predetermined period, for example, a Business Manager within the COVMS 16 acts as a switch controller in this scenario because it handles all of fundamental operations of the COVMS 16 internally, i.e., acts as a switch in switching outputs to a plurality of viewers (col. 8/lines 12-15) as well as externally, i.e., in communicating with other COVMSs, customer connections and web site connections (col. 12/line 57 to col. 13/line 21) and the operation of the COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer as preferred. Furthermore, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process).

Acosta does not further disclose that the second output device “which outputs an advertisement that is different from an image picked up by a connected camera” and “such that the advertisement is inserted into the image output from the first output device” as claimed; however, Hawkins teaches a same technique in a audio/video distribution system over the media that advertisements from a remote server can be automatically inserted into the delivering stream as a “barker” mode from sources such as live cameras, tape or satellite via a video switch 24 (as illustrated in Figs. 1-2, col. 2/lines 36-57, and col. 9/lines 33-60) to the user’s interface system (as illustrated in Fig. 4, and col. 15/line 65 to col. 16/line 37). Since Acosta suggests to include commercial providers 1 & 2 (Fig. 4) for providing services to clients, and with Hawkins’

teaching technique in providing ad or advertisements or commercial messages inserted to users/clients after the stream has been broadcasted from sources such as from live programming cameras, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Acosta's system with Hawkins' technique as taught in order to offer an advertisement such that the advertisements can be easily inserted into the delivering stream to the user as a "barker" mode as taught by Hawkins either without user interaction or may be user controlled to restrict some advertisement from displaying, or used by the service provider to provide viewer or group specific programming as suggested by Hawkins (col. 16/lines 25-52).

As for claim 2, in further view of claim 1 above, Acosta inherently suggests "wherein, when a request for down-loading of the image to be outputted by said first output device is received while said second output device is selected after a third predetermined period has elapsed since said switch switched from said first output device to said second output device, said switch controller controls said switch so as to switch from said second output device to said first output device" because the Business Manager monitors and maintains a smooth operations for providing outputs with a loop with setting timer, a plurality of predetermined periods can be set in order to handle the switching between outputs according to valid queues (see Fig. 16, and col. 14/line 23-col. 15/line 51, and col. 17/lines 19-26 for monitoring the overall performance of the system and making necessary adjustments).

Concerning claim 3, in further view of claim 1 above, Acosta further discloses "wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller controls said switch so as to make the first predetermined period

shorter for a client which belongs to a first group than for a client which belongs to a second group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group II, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

Concerning claim 4, in further view of claims 1 and 3 above, Acosta further discloses “further comprising memory for storing advertisements on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the advertisement on the client is stored in said memory, and discriminates a client as belonging to the second group when the advertisement on the client is not stored in said memory”, i.e., client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (Acosta, col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Acosta, Fig. 5).

As for claim 5, in further view of claim 3 above, Acosta further discloses “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

Concerning claims 6 and 7, in further view of claim 1 above, the steps of “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises discrimination unit for discriminating a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first output device for a client which belongs to a first group” and “further comprising memory for storing advertisement on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the advertisement on the client is stored in said memory, and discriminates a client as belonging to a second group when the information on the client is not stored in said memory” are taught by Acosta, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups even logging out the user if the threshold is exceeded (col. 27/lines 12-37), and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5).

As for claim 8, in further view of claim 6 above, Acosta reveals “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claim 9, in further view of claim 1 above, Acosta further discloses “wherein the clients are classified into a plurality of groups, and the image down-loading apparatus further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first output device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group III, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

As for claim 10, in further view of claim 1 above, Acosta discloses “wherein the image outputted by said first output device is a moving image”, i.e., a real-time live image is outputted for viewing at remote locations (col. 2/lines 17-25).

As for claim 11, in further view of claim 10 above, Acosta teaches “wherein the image outputted by said first output device is an image being sensed by a video camera”, i.e., video camera 12 is collecting images for outputting by first output device to viewers at remote locations (Figs. 1 & 4/items 12, and col. 4/lines 25-41 & col. 5/lines 43-67).

As for claim 12, in further view of claim 1 above, Acosta teaches the apparatus further “comprising memory for storing advertisement, wherein the advertisement to be outputted by said second output device is the information stored in said memory”, i.e., Acosta discloses a

processor card 20 of camera 12 contains memory or cache 56 for storing information (Fig. 3/item 56).

Regarding claim 13, Acosta discloses “an image down-loading system capable of down-loading an image to a plurality of clients via Internet (Abstract, col. 1/line 60 to col. 2/line 42), comprising: a first down-loading device which down-loads an image, i.e, a first download device from one of plurality of cameras for downloading an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27); a second down-loading device, i.e, a second download device from one of plurality of cameras for downloading an event or live broadcasting to a remote viewer at a local workstation accessing to the system or wireless network 14 (Fig. 4, and col. 8/lines 1-27); a switch adapted to switch between said first downloading device and said second down-loading device, i.e., the Central Office Video Management System 16 or the COVMS 16 (col. 4/lines 26-28) acts a switch for switching between the first outputs and second outputs as mentioned earlier, eventually, between multiple outputs of multiple ones of the cameras 12 in operation at anytime to multiple users (Fig. 4 and col. 8/lines 1-27); and a switch controller adapted to control said switch, wherein said switch controller controls said switch so as to select said second down-loading device for a first predetermined period after said first down-loading device is selected for a second predetermined period”, for example, a Business Manager within the COVMS 16 acts as a switch controller in this scenario because it handles all of fundamental operations of the COVMS 16 internally, i.e., acts as a switch in switching outputs to a plurality of viewers (col. 8/lines 12-15) as well as externally, i.e., in communicating with other COVMSs, customer connections and web site connections (col. 12/line 57 to col. 13/line 21) and the operation of the

COVMS 16 is based on the queues setting by a timer for setting predetermined periods in selecting first output or second output or any other output to viewer as preferred. Furthermore, the controller can change the operation mode or service level or shut down a particular output device if a monitored usage for a predetermined period is exceeding preprogrammed thresholds (see Fig. 16, and col. 14/line 23 to col. 15/line 51 for more details on the entire process).

Acosta does not further disclose that the second down-loading device “which downloads an advertisement that is different from an image picked up by a connected camera” and “such that the advertisement is inserted into the image downloaded from said first down-loading device” as claimed; however, Hawkins teaches a same technique in a audio/video distribution system over the media that advertisements from a remote server can be automatically inserted into the delivering stream as a “barker” mode from sources such as live cameras, tape or satellite via a video switch 24 (as illustrated in Figs. 1-2, col. 2/lines 36-57, and col. 9/lines 33-60) to the user’s interface system (as illustrated in Fig. 4, and col. 15/line 65 to col. 16/line 37). Since Acosta suggests to include commercial providers 1 & 2 (Fig. 4) for providing services to clients, and with Hawkins’ teaching technique in providing ad or advertisements or commercial messages inserted to users/clients after the stream has been broadcasted from sources such as from live programming cameras, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Acosta’s system with Hawkins’ technique as taught in order to offer an advertisement such that the advertisements can be easily inserted into the delivering stream to the user as a “barker” mode as taught by Hawkins either without user interaction or may be user controlled to restrict some advertisement from displaying, or used by

the service provider to provide viewer or group specific programming as suggested by Hawkins (col. 16/lines 25-52).

As for claim 14, in further view of claim 13 above, Acosta and Hawkins teaches “wherein the clients have memory for storing the advertisement down-loaded by said second down-loading device, and while said switch selects said second downloading device, the clients display the advertisement stored in said memory”, i.e., Acosta discloses client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5); and Hawkins shows that the advertisements can be automatically inserted as a “barker” mode and display to the user (col. 16/lines 25-52).

As for claim 15, in further view of claim 13 above, Acosta and Hawkins further teaches “wherein the clients have memory for storing the advertisement down-loaded by said second down-loading device, and since a communication path is established on the Internet until the image to be down-loaded by said first down-loading device starts to be down-loaded, the clients display the advertisement stored in said memory”, i.e., Acosta discloses that the user can store the down-loaded information to a memory cache 1064 or to the work station computer 22 (Fig. 31 and col. 26/line 53 to col. 27/line 11); and Hawkins shows that the advertisements can be automatically inserted as a “barker” mode and display to the user (col. 16/lines 25-52).

As for claim 16, in further view of claim 13 above, Acosta teaches “wherein the clients have memory for storing the advertisement down-loaded by said second down-loading device, and after a communication path on the network is disconnected, the clients display the advertisement stored in said memory”, i.e., Acosta and Hawkins teaches that information can be downloaded locally to the user computer 22, thus, if a network connection is disconnected, the user obviously still can display the information col. 26/line 53 to col. 27/line 11); and Hawkins shows that the advertiements can be automatically inserted as a “barker” mode and display to the user (col. 16/lines 25-52).

As for claim 17, in further view of claim 13 above, the step of “wherein, when a request for down-loading of the image to be down-loaded by said first down-loading device is received while said second down-loading device is selected after a third predetermined period has elapsed since said switch switched from said first downloading device to said second down-loading device, said switch controller controls said switch so as to switch from said second down-loading device to said first downloading device” is taught by Acosta as Acosta includes the Business Manager monitors and maintains a smooth operations for providing outputs with a loop with setting timer, a plurality of predetermined periods can be set in order to handle the switching between outputs according to valid queues (see Fig. 16, and col. 14/line 23-col. 15/line 51, and col. 17/lines 19-26 for monitoring the overall performance of the system and making necessary adjustments).

As for claim 18, in further view of claim 13 above, Acosta discloses “ wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to make the first predetermined period shorter for a client which belongs to a first group than for a client which belongs to a second group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group II, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

As for claim 19, in further view of claim 18 above, Acosta and Hawkins further teaches “comprising memory for storing advertisement on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the information on the client is stored in said memory, and discriminates a client as belonging to the second group when the advertisement on the client is not stored in said memory”, i.e., Acosta discloses that client information is stored in user databases (Fig. 31/item 1054) and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5); and Hawkins shows that the advertiements can be automatically inserted as a “barker” mode and display to the user according to user’s account or controlled by the user (col. 16/lines 25-52).

Concerning claim 20, in further view of claim 18 above, Acosta teaches “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claims 21 and 22, in further view of claim 13 above, Acosta and Hawkins teaches “wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first down-loading device for a client which belongs to a first group” and “further comprising memory for storing advertisement on clients, wherein said discrimination unit discriminates a client as belonging to the first group when the advertisement on the client is stored in said memory, and discriminates a client as belonging to a second group when the advertisement on the client is not stored in said memory”, i.e., Acosta discloses that clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups even logging out the user if the threshold is exceeded (col. 27/lines 12-37), and the demand-only mode is used for restricting users to access to certain level of databases or limit archives for downloading (col. 31/lines 5-17) as well as different file servers for storing different sets of information data (as illustrated in Fig. 5), and Hawkins shows that the

advertisements can be automatically inserted as a “barker” mode and display to the user based on user’s preference (col. 16/lines 25-52).

As for claim 23, in further view of claim 21 above, Acosta discloses “wherein said discrimination unit discriminates a client as belonging to the first group when the client enters a correct password, and discriminates a client as belonging to the second group otherwise”, i.e., login processes for users with username and correct password is addressed according to their permission level (belongs to which groups) (see col. 29/lines 10-49).

As for claim 24, in further view of claim 13 above, Acosta teaches “wherein the clients are classified into a plurality of groups, and the image down-loading system further comprises a discrimination unit adapted to discriminate a group to which a client belongs, wherein said switch controller control said switch so as to keep selecting said first down-loading device for a client which belongs to a first group, and to make the first predetermined period shorter for a client which belongs to a second group than for a client which belongs to a third group”, i.e., clients can be classified as Business Group 1 or Business group 2 (as illustrated in Fig. 27/item 1006) and particularly, as Permission groups with different levels of security for accessing to the system (see col. 31/line 30 to col. 32/line 8) and with the Active List Monitor, the system can dynamically monitors and sets the expiration time for one or more permission groups, for example, time for group I is shorter than time for group III, even logging out the user if the threshold is exceeded (col. 27/lines 12-37).

Concerning claim 25, in further view of claim 13 above, Acosta teaches “wherein the image down-loaded by said first down-loading device is a moving image”, i.e., a real-time live image is outputted for viewing at remote locations (col. 2/lines 17-25).

Concerning claim 26, in further view of claim 25 above, Acosta further teaches “wherein the image down-loaded by said first down-loading device is an image being sensed by a video camera”, i.e., video camera 12 is collecting images for outputting by first output device to viewers at remote locations (Figs. 1 & 4/items 12, and col. 4/lines 25-41 & col. 5/lines 43-67).

As for claim 27, in further view of claim 13 above, Acosta and Hawkins further teaches “comprising memory for storing advertisement, wherein the information to be down-loaded by said second down-loading device is the advertisement stored in said memory”, i.e., Acosta teaches a processor card 20 of camera 12 contains memory or cache 56 for storing information (Fig. 3/item 56), and Logan teaches to have a database for storing advertisements as well as images for clients (Hawkins, Fig. 4) and the advertisement targeting on clients is based on the user’s data and usage log (Hawkins, col. 16/lines 25-52 as the user can set up their preferences for receiving target advertisements).

Regarding claims 28-42, these claims for “an image down-loading method capable of downloading an image to a plurality of clients via Internet” are rejected for the reasons given in the scope of apparatus and system claims 1-27 as already disclosed in details above.

Regarding claims 43-50, these claims for “a computer program product comprising a computer usable medium having computer readable program code means embodied in said medium for down-loading an image to a plurality of clients via a network, said product including: first computer readable program code means for down-loading an image; second computer readable program code means for down-loading advertisement that is different from an image picked up by a connected camera; third computer readable program code means for switching from said first computer readable program code means to said second computer

readable program code means after a first predetermined period has elapsed, such that the advertisement is inserted into the image down-loaded by said first computer readable program code means; and fourth computer readable program code means for switching from said computer readable program code means to said first computer readable program code means after a second predetermined period has elapsed” are rejected for the reasons given in the scope of apparatus and system claims 1-27 as already disclosed in details above.

Response to Arguments

7. Applicant's arguments filed on 3/10/04 have been fully considered but they are not persuasive.

Applicants' arguments appeared to be invalid for the following reasons.

After carefully studied the present application with its specifications, drawings and objection, the Examiner concludes that the amended limitation of “...such that the advertisement is inserted into the image output from the first output device” in claims 1, 13, 28, and 43 are incorrect and/or misleading statements. Now, it's even way off the objection of the present application as the applicants' representative further states that “the insertion of advertisement from the second output device into the image output from the first output device is performed **vis-a-vis** a switching operation between the first and second output devices” (paper 17, dated 3/10/04). “Vis-a`-vis” (a French word) meaning “face-to-face” interaction between the two devices, and obviously, the insertion of advertisements cannot be performed face-to-face by themselves, and importantly, there is no description in the step of insertion of advertisements into the output of the first device from the second device at all. Clearly, drawings of Figs. 5-8 shows steps of the two separate devices, one is a camera and one is a server, and the steps shows a

technique of how to download information, i.e., images, video and etc., from the two sources using a switch controlled by a computer 26 for an elapsed time such as an image from the camera for 20-55 seconds, and then switch to the download from the image server 22 for the next 5 seconds (as described in the summary and for Fig. 1). Therefore, there is no such thing as “insertion of advertisements into the output of the first device from the second device” and “the insertion of advertisement from the second output device into the image output from the first output device is performed **vis-a-vis** a switching operation between the first and second output devices” as stated.

As for claims 51-53, applicants’ representative argues about the step of displaying advertisement in advance until the receiving of image picked by a camera, then the display is being switched. Hawkin clearly suggest this technique because the information requested from the server including images picked by a camera (Fig. 1) and the service navigator not limited to any service provider or source (emphasis added, including photos, images or live videos—see col. 11/lines 40-58) helps to search or look for particular objects interested to the user, and it can be set up by the user (col. 16/lines 25-60); and this service can be combined with the “barker” mode as a function of pop-up displaying to the user as something interested occurs while the user is watching other programs including advertisements of another products or services (col. 16/lines 25-37 & col. 17/lines 10-21). Therefore, Hawkin clearly anticipates these limitations of claims 51-53 as disclosed in the Office Action.

In view of the above discussion, the Examiner disagrees with the Applicants’ arguments and stands with the disclosure and teaching of Hawkin and Acosta as disclosed and discussed in this Final Office Action.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
May 19, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER